

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

RICHARD MCNEEMER,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00493

LT. TIMOTHY TIBBS, et al.,

Defendants.

ORDER

On June 4, 2024, this court entered an Order expressing its concerns about whether this district is the most appropriate venue for this case. *See* [ECF No. 29, at 8–10]. Because it is proper to provide the parties with notice and an opportunity to be heard before a *sua sponte* transfer of venue, *see Starnes v. McGuire*, 512 F.2d 918, 934 (D.C. Cir. 1974), I directed the parties to file briefs within 14 days from the entry of my order if such party opposes a *sua sponte* transfer of venue to the Northern District of West Virginia. [ECF No. 29, at 10]. No party objects to the transfer of venue. *See* [ECF No. 30].

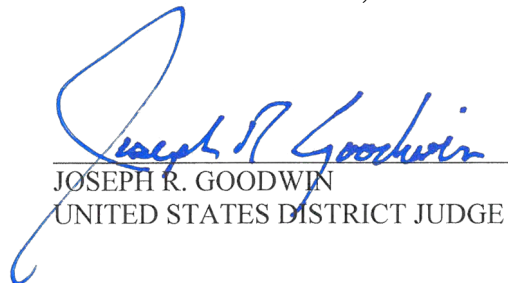
The federal venue statute allows a district court to “transfer any civil action to any other district or division where it might have been brought” for “the convenience of parties and witnesses.” 28 U.S.C. § 1404(a). This statute gives courts authority to transfer an action *sua sponte* upon consideration of certain factors, which include “the

weight accorded to plaintiff[s] choice of venue; witness convenience and access; convenience of the parties; and the interest of justice.” *Luna v. Tug Hill Operating, LLC*, No. 5:23-CV-361, 2024 WL 1219722, at *3 (N.D. W. Va. Mar. 20, 2024) (internal markings omitted) (citing *Trs. of the Plumbers & Pipefitters Nat’l Pension Fund v. Plumbing Servs.*, 701 F.3d 436, 444 (4th Cir. 2015)).

With no objection from the parties, the court **FINDS** that in the interest of justice, the Northern District of West Virginia is a more appropriate venue for this case. The events forming the basis of the allegations in this case all occurred at North Central Regional Jail, which is located in Greenwood, Doddridge County, in the Northern District of West Virginia. Plaintiff and remaining Defendant also reside in the Northern District. Thus, pursuant to 28 U.S.C. § 1404(a) and in the interest of justice, this matter is hereby **TRANSFERRED** to the United States District Court for the Northern District of West Virginia, Clarksburg Division, for further consideration. The Clerk is **DIRECTED** to transmit Plaintiff’s file to the Clerk of Court at the United States District Court for the Northern District of West Virginia.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 21, 2024



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE